

DOCKET NO.: JJCP-0013

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**CONTINUED PROSECUTION
APPLICATION** Relating to the
Application of: Charles E. Clum and
Jonas C.T. Wang

Serial No: 08/360,805

Group Art Unit: 1614

Filing Date: July 23, 1999

Examiner: G.E. Hollinden

For: **RETINOID COMPOSITIONS
CONTAINING A WATER
SOLUBLE ANTIOXIDANT AND
A CHELATOR**

11/07/2002 PTUCK1

00000001

02 FC:1006

CERTIFICATE OF FACSIMILE TRANSMISSION

or

EXPRESS MAIL INFORMATION

11/07/2002 PTUCK1

00000001 08360805

03 FC:1253

FAX PHONE NUMBER: 800-00-00

EXPRESS MAIL LABEL NO: EL531173490US

DATE OF DEPOSIT: April 24, 2001

I HEREBY CERTIFY THAT THIS PAPER IS BEING
FACSIMILE TRANSMITTED TO THE UNITED STATES
PATENT AND TRADEMARK OFFICE ON THE DATE
SHOWN AND TO THE INDICATED FACSIMILE NUMBER.

TYPED NAME:

Adjustment date: 11/07/2002 - PTUCK1
04/26/2001 GTEFFERA 00000001 08360805
01 FC:131

Assistant Commissioner for Patents
Washington DC 20231

Sir:

**CONTINUED PROSECUTION APPLICATION REQUEST
AND REQUEST FOR EXTENSION OF TIME**

This is a request for filing a Continued Prosecution Patent Application under 37 C.F.R. § 1.53(d) based upon the above-referenced, pending patent application. It is requested that the file jacket and contents of the above-referenced, prior application including the specification, drawings, and oath or declaration, be used to constitute the new application and that the same serial number be assigned thereto for identification purposes.



Request for Nonpublication. The invention(s) disclosed in the present application filed herewith has not and will not be the subject of an application filed in another

DOCKET NO.: JJCP-0013

- 2 -

PATENT

country, or under a multilateral international agreement, that requires publication of applications 18 months after filing. Thus, pursuant to 35 U.S.C. §122(b)(2)(B)(i), Applicant(s) request that the above-identified patent application not be published.

☐ Drawing view to publish: Figure ____.

☒ It is requested that the above-referenced application be expressly abandoned after this application is deemed to be completely on file and after granting any necessary extensions of time. In the event that this CPA application is deemed incomplete or otherwise improper and ONLY in such event, Applicants respectfully request that a Notice of Appeal be entered in the above-referenced application to prevent it from becoming abandoned before a complete CPA application can be filed.

☒ The above-referenced application is not a provisional application.

☒ The above-referenced application is complete and was filed either as an originating United States application or as the national stage of a PCT application in compliance with 35 U.S.C. 371.

☒ The above-referenced application has not been abandoned and proceedings have not been terminated therein. No issue fee has been paid in that application.

☒ The inventors of this application are:

☒ The same as those named in the above-referenced application on the date of the filing of this application;

☐ Fewer than all of the inventors named in the above-referenced application on the date of the filing of this application. This paper is accompanied by a statement requesting deletion of the name or names of the person or persons who are not inventors of the invention being claimed in this application.

☐ Enter in this application the amendment previously filed on _____, but not yet entered in the above-referenced application.

☒ A preliminary amendment accompanies this application. This amendment is in the form of an amendment to the prior application as it existed on the date of the filing of this application. NO NEW MATTER is being added by way of this amendment.

☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of

DOCKET NO.: JJCP-0013**- 3 -****PATENT**

_____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.

Also enclosed are the following:

- ☐ Information Disclosure Statement.
 - ☐ PTO Form 1449.
 - ☐ A copy of each of the references listed on the attached Form PTO-1449.
- ☐ An Associate Power of Attorney.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 C.F.R. §1.27 as:
 - ☐ an Independent Inventor
 - ☐ a Small Business Concern
 - ☐ a Nonprofit Organization.
- ☒ Return Receipt Postcard (should be specifically itemized).

DOCKET NO.: JJCP-0013

- 4 -

PATENT

FEE CALCULATION

NUMBERS OF CLAIMS ARE CALCULATED AFTER ENTRY OF ANY AMENDMENT AND IN VIEW OF ALL AMENDMENTS IN PRIOR APPLICATION				SMALL ENTITY		NOT SMALL ENTITY	
		No. Filed	No. Extra	RATE	FEE	RATE	FEE
		BASIC FEE			\$355		\$710
TOTAL CLAIMS	97- 20 = (minimum)	77	\$9 EACH	\$	\$18 EACH	\$1388	
INDEP. CLAIMS	4- 3 = (minimum)	1	\$40 EACH	\$	\$80 EACH	\$80	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			\$135	\$	\$270	\$0	
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME			\$55	\$	\$110	\$	
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME			\$195	\$	\$390	\$	
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME			\$445	\$	\$890	\$890	
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME			\$695	\$	\$1390	\$	
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME			\$945	\$	\$1890	\$	
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID			minus	(\$)	minus	(\$)	
<input type="checkbox"/> FEE FOR SUSPENSION OF ACTION			\$130		\$130		
TOTAL FEE DUE				\$		\$3088	

- ☒ A Check is enclosed in the amount of \$ 3,066.00.
- ☒ Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of **October 24, 2000** to and through **April 24, 2001** comprising an extension of the shortened statutory period of **three (3) month(s)**.
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.


- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ The foregoing amount due for filing this application.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

- ☒ The Power of Attorney appears in the prior application.
- ☐ A new Power of Attorney is enclosed.
- ☒ Address all Correspondence as follows:

Mark DeLuca, Esq.
Woodcock Washburn Kurtz
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SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: April 24, 2007


Mark DeLuca
Registration No. 33,229

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